THE COURTS.

UNITED STATES CIRCUIT COURT.

cy for the Southern District of New York:—Fourth gressional district, Islah T. Williams; Fifth, John h; Sixth, Islanc Dayton; Seventh, Henry W. Allen; ith, James F. Dwight; Muth, Edgar Ketchum.

ich that power is vested in the Metropolitan ssioners. The argument in the case has a for the 26th proxime before this court, be represented by ex-Judge Allen and Dud-it A. J. Vanderpool and ex-Judge Woodraff or the Fotica Commissioners.

1865, contracting for the payment to plaintiff of a consequence of an advance in the price of three wing previously agreed to furnish seventeen volunteers r the purpose of filling the quota of the town of Sparta, wingston county, in this State. Defendant was a spervisor of that town, and the original contract fixed

Lavingsion county, in this State. Defendant was a supervisor of that town, and the original contract fixed the price per man at \$600. It was admitted that the mea were furnished, and on the conclusion of the testimony defendant's counsel moved for a dismissal, which was desied and upon which order this appeal is taken. The court directed the jury to find for the plaintiff in the sum of \$919 41, subject to the opinion of the court at General Term upon exceptions.

In February, 1895, the Legalature passed an act providing for the russing of men and money for the purpose of furnishing recruits to the army. Another act was passed in the same menth, in which the first was framed, and which was declared to take effect immediately, declaring that the provisions of the second aci should not take effect until after the people had voted upon cortain sections thereof. The defendant claims that by virtue of the former act an individual had no right to magne to pay a higher sum that \$600 for a three years veluates; and if he did the contract was void. This is the principal ground of appeal. The respondent contends that the first act, so far as it candicts with the last act, or is inconsument with it, is repealed by the had, and after rectting numerous authorities may that, in England where two acts parsed at the same session of Partiament are contradictory to each other the latter will prevail, and will have the effect of repealing the former. Caseargued, decision reserved. For the respondent, Ira D. Warren; for the appellant, S. T. Freeman.

BOURT OF OVER AND TERMINER.

The Mahn-Carland Homicide-Alleged Case of Marder.

Before Judge Miller.

This court met yesterday for the trial of criminal

Anthony Mahn was indicted for having on the 20th of March last inflicted wounds with a knife on the person of Stephen S. Carland, from the effects of which the laster lingered and died. The prisoner, who is only twenty years of age, is of stout build and not tall. He twenty years of age, is of stout build and not tail. He was dressed in dark clothes. He was born in this city, and his residence at the time of the alleged offence was at 65 Division street. He had followed the trade of a worker at show cases. The prisoner pleaded not guilty. The prosecution was conducted by Mr. Gunning X. Bedford, Jr., Assistant District Attorney. Ex-Judge Stuart defended Mahn.

When the jurors came to be sworn there was no objection made to them by Judge Stuart, but Mr. Gunning & Bedford, Jr., said he wished the Court to ask if any of them had conscientious scruples with regard to the maintenant of death in case the evidence would lead to the conviction of the prisoner.

One of the jurors (Mr. Cross) rose and said, in reply to questions, that he could not find it in his nature to have a man sent to the scaffold. In answer to Judge Stuart he said he had conscientious scruples against the punishment of death, but these scruples were not founded upon any religious conviction or belief. He was opposed to the policy of the law in reference to capital punishment.

startled by the constant recurrence of these fearful murders. You, gentlemen, are entrusted with a high and sacred duty. The people took to you for protection. Under the solemnity of your caths you have each and all of you promised to render a vardict in accordance with the facts. Let your minds be free from all bias; and when you enter spon your deliberation as to the innocence or guitt of the prisoner may you emphatically remember that you have but one object in view, simply, the development of truth. I leave the case with you, feeling an abiding confidence that you will do right. While on the one hand it will be your happiness and prerogative to protect the rights of the people, yes will remember that the unhappy prisoner, whose onscience is now charged with the blood of a fellow being, and whose heart must grow faint at the contemplation of his fearful crime; but, gentlemen, it is my duty to say to you that the stern and insuranche voice of the law admonishes you, in unmistakable language, that the court room, in a case like this, is no place for symmathy; you must regard it, on the contrary, as the sacred temple of Justice.

my one of the party take off his coat and hear him he would whip the princes? A. I did not, Q. Tou rou did not not your brether strike the princeser at a A. I did not one him strike by M. About bee minu

indictment for burgiary in the second degree against Patrick McCarthy, who was charged with entering the dwelling house of Eilen Haley, No. 9 Mulberry street, early in the morning of the 23d of April, It appears that a trunk, containing \$400 in money and two watches, was found in an adjoining rear building, where the prisoner was discovered by the officers lying in the hallway, feigning to be saleep. The jury rendered a verdict of guilty. He was remanded for sentence.

HORMAT ROBBINS.

James Brady, indicted for robbery in the first degree, pleaded guilty to grand larceny. The complainant, Robert McKiniay, residing at 51 Oak street, allered that on the 7th inst while passing through Oak street the prisoner knocked him down, snatched his watch from his vest pocket and ran away. The City Judge imposed the highest panalty the law allowed under the plea, which was imprisonment in the State Prison for five years.

Henry Volmar, who pleaded guilty a few days since to an attempt at grand larceny, was sentenced to the penitentiary for one year.

John Burke, who was indicated for burgiary in the

COURT CALENDAR—ING BAT.

SUPREME COURT—GENERAL TERM—Enumerated Motions.—Nos. 80, 86, 65, 56, 105, 107, 116, 120, 121, 122,
123, 70, 72, 125, 126, 127, 128, 129, 130, 131, 132, 135, 134,
135, 136.

SUPREME COURT, CINCUIT—Part 1.—Oper and Terminer. Nos. 1663, 981, 247, 1081, 441, 851, 852, 249, 883,
1297, 703, 756, 841, 1433, 1045, 123, 299, 235, 1137, 3703,
591.—Part 2.—Nos. 3286, 1702, 588, 1268, 772, 1148, 610,
986, 339, 1132, 756, 1276, 740, 798, 564, 784, 1600, 990,
1668, 1396.

SUPREME COURT—SPECIAL TERM.—Demutrers.—Nos. 8,
15. Issues of law and fact.—Nos. 128, 129, 136, 140, 63,
131, 132, 138, 139, 160, 192, 193, 104, 106, 197, 198, 198
200.

200.
SUPREME COURT—CHAMBERS — NOS. 98, 142, 143, 148, 265, 166, 167, 173, 183, 185. Gall commences at No. 199.
SUPERIOR COURT—TRIAL TRIM. — Part 1.— NOS. 2961, 2919, 3245, 3241, 2469, 1975, 2399, 3227, 2615, 2415, 3199, 3165, 3169, 2973, 2325. Part 2.— NOS. 1452, 1446, 3164, 3204, 2932, 2656, 3304, 3390, 3220, 3070, 3074, 1774, 3084.
COMMON PLEAS—TRIAL TRIM. — Part 1.— NOS. 411, 715, 673, 688, 683, 690, 1152, 423, 354, 376, 541, 1198, 396, 477, 196. Part 2.— NOS. 426, 504, 495, 1242, 1150, 259, 606, 1196, 186, 285, 663, 722, 608, 708, 205.

BROOKLYN COURTS.

UNITED STATES CIRCUIT COURT—EASTERN DISTRICT.

UNITED STATES CACUIT COURT—EASTERN DISTRICT.

The Water Street Whickey Case.
Before Judge Benedict and a Jury.

United States vs. Five Hundred and Eight Barrels of Whickey.—The trial of this case, which was reported in the Henand of Saurday, was resumed yesterday. It will be remembered that the action is brought by the government for the condemnation of the whiskey.

claimed by Hubbeil & Tailent, which was seized in the cellar of 68 Water street on the 6th of December hast, on the charge that it had been removed to a pince other than a bonded warehouse, and that some of the barrels were faisely branded.

Ex-Collector Pratt, of the Third district, was summed for the defence yesterday, and testified that he hold that office from September 1, 1866, to March 4, 1867. He remembered that prior to October an application was made to lease No. 66 Water street as a bended warehouse. Previous to this, Deputy Collector McLaughlin had examined the premises and approved of the building as being made a bonded warehouse. On December 2s a reply to the application was received from Washington, stating that the Revenue Department had also approved of its being made a pended warehouse.

making any admissions here at all, if you are going to defend the case.

Healy—I don't want to defend it, sir, for I have no defence to make. I have no defence to make whatever.

Commissioner Newton—Well, what do you want to do in the premisea. I shall have to commit you, unless you see at to defend it.

Healy reiterated the opinion that it was unnecessary to defend it. He did not know but that his sureties might compromise the matter by paying back the money. He remarked that his wife could raise some money on a little property, and pay a portion of it.

The Commissioner asked him if he wanted a hearing, or to be committed. Healy inquired if ball could be taken for him. He Honor asked him if he had any.

Healy—I think I could get bail for my appearance any time you required me. If I have toget to just I deserve it for my neglect.

Commissioner Newton—As you have no counsel here, I don't thank it would be hardly fair or right that I should close the case at once. Instead of finally ciscing it will be found the status of your produce best that will be activately to the District Atlanta of the countries of the status of the deserve its it would be actively to the District Atlanta.

Three respectable appearing and well dressed young men entered the stere of Mesars, Gillorika and Cosley, No. 16 Maiden lane, last Thursday afternoon, and asked to be shown certain articles of jewelry which they to be shown certain articles of jewelry which they mamed. Several articles were aprend out upon the counter before the apparently well inclined customers by the attentive cierx, but they seemed to be, as the result showed, very fastidious in their tastes and were not easily to be satisfied. For over half an hour the jurymen bewildered the cierk by questions as to the quality, composition and price of innumerable articles, and at last, when the man behind the counter was beginning to delude himself with the idea that they were about to select some very costly article, one of them ordered a small piece of jewelry, valued at \$3, when, after tendering many thanks for the cierk's courtesy, he departed with his two companions. A short time after the departure of the thieves, much to the constrantion of Messrs. Gill-cocks & Cosley, it was discovered that diamonds weighing sixty-two carata, worth \$3,000 to \$4,000, had been carried off by the young men. The detectives are now on the lookout for the thieves, but as yet no clue to their whereshouts has been obtained.

complained of, for absenting himself for three hours without leave, and in his defence he stated that he was during that time getting his engine repaired.

Thomas Henry, assistant foreman of Engine 15, was complained of by his foreman, James Little, for not having reported that he had seen a private of his company in a state of drunkenness, as he was in duty bound to do.

THE EXCISE LAW.

united effort to oppose the enforcement of the odious law by all legal means. He did not wish for a revelution, but called upon all freemen to aid in checking the tyrannical act of John A. Kennedy and securing his removal from office.

Mr. METENBERG was next introduced, and also spoke of the attempt of Mr. Kennedy to tyrannizo over the citizens.

The CHAIRMAN then introduced District Attorn

money." (Laughter.) and, gentlemen, what has been she position, of those most? One-half of them have been reined and driven out of business and the other half had to pay their liesnes, say the cost of those injunction suits, pay their lawyers, and have been in turnell and in difficulty during the whole summer. Who was the friend or who spoke housetly, the lawyer in New York or myself, who addressed you from that stand, and who was an honest man? (Applause.) Who was the honest man and who spoke for your interests? And yet! said to them there from that stand: "As a politician, I am very foolish. I know I will be blamed for this; I know I shall receive when neey will may that I gave them an honest opinion." Has not it turned out so, gentlemen? ("Yes, yes.") It has turned out so, gentlemen? ("Yes, yes.") It has turned out so, gentlemen for giving an honest opinion, whereas if I had said upon that stand and belief my own sentipents and given you an opinion that I knew to be false, why, I would have had the relat at the time being; but I preferred to give you an honest opinion. Subsequent eyents have shown that I did give you an honest opinion. Gentlemen, I want it understood directly, as I said then, I am sot responsible for the law. You have nothing to take back; not a word. I said before the Supreme Court and before the Court of Appeals, that the time would sout come when the Legislature would see the necessity of revising some of the restrictions that are imposed by this law. I am not opposed, gentlemen,

repeat here, will come when the Legulature will see the necessity that these restrictions should be ramoved and when the people will be allowed to enjoy their liberty rationally, property, in a peacesbic manner, numelessed by the minions of John A. Konneed that intended by the minions of John A. Konneed that intended by the minions of John A. Konneed that intended by the minions of John A. Konneed that intended by the minions of John A. Konneed that intended by the minions of John A. Konneed that intended by the minions of John A. Konneed that intended by the minions of John A. Konneed that intended by the minion of John A. Konneed that intended by the minion of John A. Konneed that intended the John A. Konneed that the state of Exclass, intended for the Board of Exclass, intended to the Board of Exclass, intended to the Minion of Exclass, intended to the Intended the John A. Konneed that the John A. Konne

THE NATIONAL GUARD.

Twelfth Regiment Buttalion Drill.

An excellent drill of the Twelfth regiment came off on riday evening last at the State Arsenal, Seventh avenue, under the command of Colonel John Ward, assisted by

The members of this company, under command of Captain Kari Klein, will celebrate their eighteenth anni-

The Drummers' Contest.

The judges appointed to decide upon the respective merits of the Fifth and Twelfth regiment Drum Corps, at the recent contest at the Stadt Theatre, have decided in favor of the Twelfth. They are, therefore to be regarded as the champion corps for the present.

Cavalry Drills.

Yesterday afternoon the First regiment cavalry, Col.
Henry Brinker, assembled at Tompkins square for exercise in the evolutions of a mounted regiment. Previous to doing se, however, they proceeded to the City Hall

Company B, Eighth Regiment Infantry, N. G. This company will go on an excursion to Dudley's Grove on Monday, June 17. They are preparing for a

Third Regiment Cavalry, N. G.
This command will have a drill at Tompkins square at 2 o'clock this (Fueeday) afterneon.

INTERNAL REVENUE AFFAIRS.

Twenty-four Distilleries Seized in this City-Detective Bureau to be Established by Dis-In view of the near approach of the heated ter

turers of distilled spirits from constantly playing tricks on the government and cheating it of that tax which is its due according to the revenue laws of the country. Since these laws were framed frauds on the revenue have become of daily occurrence, and this means of defrauding the revenue a profession, and a very lucra-tive one at that. Men of all classes, from the rich millionaire to the petty distiller of twenty gallons or less, have entered into it. Every method that ingenuity could devise has been tried, and every chance that care-

lionaire to the petty distiller of twenty gallons or less, have entered into it. Every method that ingenuity could devise has been tried, and every chance that careless legislation left open has been taken advantage of. Faise returns have been made to assessors and illegal brands, and in some instances no brands at all, have been stamped on the barrels. Redistillation, transportation and removal bones have only helped the swigdle to a great extent, and deep lie the exertions of, in most instances, active and expert officers, the cheat has gone on and flourished with its growth.

Honest distillers see their articles undersold in the market, and cannot compete with whiskey on which no duty is paid, and have either to follow the example set them or withdraw from an unprolitable trade. In Washington, at the present time, a number of prominent distillers from all parts of the country are taking the initiative in extablishing a Bureau which will be a kind of independent Revenue Detective department. The duties of its officers shall be to watch distillation all through the States, and when ampleions of the lesst stiempted fraud on the part of any distiller are entersained, at once take his case in hand, irrespective of any estiquet whatsoever toward the official revenue department. This is to be done simply as a matter of self-preservation and to enable the members to pay the legal tax on the whiskey and then dispose of it in the market at a fair rate.

In this city and Brooklyn the number of selsures made by the authorities within the past tax months would lead one to imagine that there was not a single one left untouched by the authorities; but on reading the columns of the Hasabo it will be seen that scarcely a morning passes but another and still another "existure" has been effected; and this morning the announcement has to be made that within the last three of four days no fower than twenty-four of these establishments have been "cited as follows.-Twenty-finth street, West Thirty-shirth street, No. 307 avenue A.

Bouse and lot on Eldridge at , gouth of Rivington at ... 30 925

MAILS FOR EUROPE.

The Conard mail steamship Persia, Captain Lott, will seave this port on Wednesday for Liverpool.

The mails for Europe will close at half-past eleven clock on Wednesday morning.
The New York Herath—Edition for Europe—will be

ready at ten o'clock in the morning.
Single copies, in wrappers, ready for mailing, six

BOARD OF COUNCILMEN.

Mission Place to be Reopened-A Public Market in the Eighteenth Ward-License Fees Paid by City Railroad Companies, &c. This Board met yesierday afternoon, the President,

the parties named undertook to rob the city of property worth \$25,000.

THE PROPOSED NEW MARKET.

A communication was received from the Corporation Counsel, in reply to a resolution asking for his opinion in relation to a mandamus served upon the Common Council to compel them to pass an ordinance creating market stock to the amount of \$75,000, the Legislature having passed an act to build a public market in the Eighteenth ward. The Counsel stated that the Court of Appeals had decided that the mandamus was proper, and it was necessary that the Board should pass the ordinance before the 20th inst.

Just before the ordinance was called up, Mr. Fiyms moved to adjourn, which motion was lost.

On the passage of the paper Mr. Stacom said:—I am compelled to vote for this by the Court of Appeals, but I don't want to do it.

Mr. Lone coolly observed, "I do not think I am compelled to vote for it, and I vote No."

The ordinance was adopted by a large affirmative vote.

License years.

In reply to a resolution the Compitoller sent in a statement of the amount of license fees received from the city railroad companies during the year 1866. He states that some of the companies refuse to pay license, claiming exemption from the tax by the terms of their centracts with the city government. He attempted in two instances to collect the fees by suits, but judgment in both cases was rendered in favor of the company and the verdicts when appealed were affirmed. There are at present a number of cases against railroad companies for refusing to pay license pending in the Court of Common Pleas.

Subjoined is the amount of license paid during the

Pleas.
Subjoined is the amount of license paid during year 1866 by the companies named:—
Beit Railroad Company, thirty two-horse care, at

Running Steam Care On Eleventh Avenue Below Fifty-third Street-The Subject in the

Common Council, &c.

The Councilmanic Committee on Railroads met yesterday, at noon, in the chamber of the Board of Council-

road.

Councilman Cancan stated that he could Mr. Auld in most of what he stated, and that which injured him there was no bell rung.

Mr. Att.—I think it would be a great bet city if the cars were stopped at Fifty-third s slowest lines ever the cars made on the it when a committee of the Legislature can them. (Laughter.) They made slow time it No one size appeared to speak, and the conjourned till noon on Thursday next.

parties.

Resolved. That this Board does hereby authorize the resaurer to advance and pay, on bills for labor and supenses certified to by the Superintendent, a sum to meet necessary expenses of execution of such orders; but that the agregate of all advances and payments on such bills so certified, outstanding and not approved by the Board, shall not at any time exceeding out the contract of the superintendent of t

standing and not approved by the Board, shall not et any time exceed the sum of three thousand dollars.

There were 416 deaths in this city for the week ending Saturday, the 11th instant—a decrease of twelve as compared with the total number of the week previous. The seventeenth, Sixth and Eleventh wards suffeped the most severely, zymotic diseases in tenement houses prevailing to a great extent.

IN BROOKLYS.

There were 144 deaths in Brooklyn during the week ending May 11, Of the deceased there were 28 men, 27 wemen, 43 boys and 66 girls. Forty-two were infants under twelve months, and five were persons over eighty years of age. The nationalities were:—United States, 104; Ireland, 24; Germany, 12; Scotland, 2; Eritish America and England, 1 each. The principal causes were as follows:—Consumption, 22; convulsions, 10; scarlet fever, 9; mesales, 11; maramus, 9; disease of brain, 8; pneumonia, 7; croup, 5; debility, 4, and diarrhos, 2. The highest number of deaths cocurred in the Sizth ward, where there were 17.

KING'S COUNTY MUNICIPAL AFFAIRS.

Meeting of the Board of Aldermon.
The Board of Aldermon met resterday afternoon, the
President, Alderman Fisher, in the chair.
The Street Commissioner asked for the appointment
of two additional clerks in his office—one to look after

After some further discussion the amendment was lost.

The resolution was then adopted.

The contract for cleaning the streets of the Fifth ward was awarded to Thomas Schofflein, from May 1, 1867, to June 1, 1868, for \$2,100.

The contract for cleaning the streets of the First ward was awarded to Mr. Charles O'Rorke, for \$2,500.

A resolution was offered in favor of placing the carbonizer on all the street lamps in the city, the Lamp and Gas Committee having reported favorable to the invention.

It was sinted by one of the Aldermen that the cost would be upwards of \$70,000. Another said it would be a shame to spond so much of the people's money without knowing that they were to receive a benefit by it. The report was finally recommitted to the Lamp and Gas Committee.

Resolutions were offered to amend the contract for removing the offsi from the city to Mr. Frank Swift for the remainder of the year 1867, at \$6,400, he being the lowest bidder. The matter was referred to the Corporation Counsel.

No further business of importance was transacted.

General D. W. C. Clark, of Washington; Colonel E. M.
Powell and Major W. Warren, of California, are stopping at the Metropolitan Hotel.

John T. Monroe and John W. Overall, of New Orleans, are stopping at the St. Julien Hotel.

A. Clark of Ary and J. H. Rocey, of Boston, and John A. Clarkton Cary and J. H. Rocey. of Boston, and John Onberne, of Hamilton, C. W., are stopping at the West-

Otherne, of Hamilton, C. W., are stopping at the West-minster House.

L. Pickering, of California, and Adolph Reez, of Yokohams, are stopping at the Everett House.

Coi. M. D. Clapp, of Chicago, and Coi. S. H. Loomis, of Riebmond, are stopping at the Fifth Avenue Hotel.

Judge Infts, of Montana, is stopping at the Hoffman House.